

RESOLUTION NO. 2010 - 22

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA, AUTHORIZING AND DIRECTING CITY REPRESENTATIVES TO PERFORM DUE DILIGENCE FACT-FINDING AND THEN ENTER INTO GOOD-FAITH NEGOTIATIONS WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION TO DETERMINE THE TERMS AND CONDITIONS OF A ROUTE TRANSFER OF PORTIONS OF STATE ROUTE 89A.

WHEREAS, the City of Sedona recognizes, as stated in A.R.S. §28-332, that the exclusive control and jurisdiction over state highways is vested in the Arizona Department of Transportation, and

WHEREAS, portions of State Route 89A lie within the city limits of the City of Sedona, and

WHEREAS, differences of opinion exist between the City of Sedona, and the Arizona Department of Transportation concerning the best methods for insuring highway safety, while at the same time balancing the City's concerns for aesthetics and maintaining a small-town character, and

WHEREAS, a route transfer of portions of State Route 89A to the City of Sedona, would enable the City to exercise its exclusive jurisdiction and control over critical sections of State Route 89A, and

WHEREAS, in order for such a route transfer to be accomplished in a fair and equitable manner, it is necessary that both the City of Sedona and the Arizona Department of Transportation devote sufficient time and resources to study, perform due diligence fact-finding, and then negotiate in good faith for an intergovernmental agreement that will fairly compensate the City for future maintenance responsibilities, the assumption of risk, and necessary infrastructure improvements, and

WHEREAS, it is the mutual intent of the parties to work towards the consummation of an intergovernmental agreement to fulfill the intent of this resolution by January 15, 2011.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE COUNCIL OF THE CITY OF SEDONA, ARIZONA, THAT:

Representatives of the City of Sedona are hereby authorized and instructed to perform due diligence fact-finding and then enter into good faith negotiations with the Arizona Department of Transportation to reach a mutual understanding and agreement of all terms and conditions necessary to accomplish a transfer of ownership, jurisdiction and control of portions of State Route 89A to the City of Sedona, all to the intended end that an intergovernmental agreement setting forth such terms and conditions will be submitted to the Sedona City Council for its review and approval by January 15, 2011.

PASSED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona, this

10th day of August, 2010.

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Rob Adams, Mayor

ATTEST:

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Randy Reed, CMC, City Clerk

APPROVED AS TO FORM:

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City Attorney